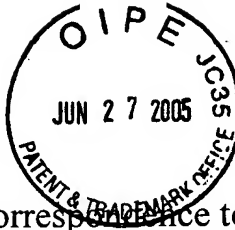


Docket No.: BALDS2.024AUS

App. No.: 10/090,561



June 23, 2005

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TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Applicant : Basil Naji et al.
App. No : 10/090,561
Filed : March 4, 2002
For : COATINGS FOR BUILDING
PRODUCTS AND METHODS OF
MAKING SAME
Examiner : Paul D. Marcantoni
Art Unit : 1755

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 23, 2005

(Date)

Linda H. Liu, Reg. No. 51,240

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

In accordance with 37 C.F.R. §3.73(b), Petitioner, James Hardie International Finance B.V., a company registered under the laws of The Netherlands, represents that it is the Assignee of the entire right, title and interest in the above-captioned patent application by virtue of an assignment from the inventors, Basil Naji and Milton O'Chee, of the patent application identified above to James Hardie Research Pty Limited, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 012935 Frame 0798, and by virtue of a subsequent assignment from James Hardie Research Pty Limited to Petitioner, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 015980 Frame 0271.

Petitioner also represents that it is the Assignee of the entire right, title and interest in and to U.S. Patent No. 6,572,697 by virtue of an assignment from the inventors James A. Gleeson, Kalyne H. Paradis, Brian P. Sloane, David L. Melmeth, and Dean M. Seligman to James Hardie Research Pty Limited, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 011910, Frame 0723, and by virtue of a subsequent assignment from James Hardie Research Pty Limited to Petitioner, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 015980 Frame 0271.

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Petitioner also represents that it is the Assignee of the entire right, title and interest in and to U.S. Patent No. 6,676,745 by virtue of an assignment from the inventors Donald J. Merkley and Caidian Luo to James Hardie Research Pty Limited, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 012229 Frame 0842, and by virtue of a subsequent assignment from James Hardie Research Pty Limited to Petitioner, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 015980 Frame 0271.

Petitioner also represents that it is the Assignee of the entire right, title and interest in and to U.S. Patent No. 6,506,248 and U.S. Patent No. 6,346,146 by virtue of an assignment from the inventors Steve Duselis, Peter Goodwin, Nigel Kirby, Basil Naji, Anhthe Nguyen, Brian Sloane, David Stitt, and James Gleeson, to James Hardie Research Pty Limited, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 009278 Frame 0815 and by virtue of a subsequent assignment from James Hardie Research Pty Limited to Petitioner, which was filed with the U.S. Patent and Trademark Office and recorded at Reel 015962, Frame 0390.

The Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application, which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173, as presently shortened by any terminal disclaimer, of the first to expire of U.S. Patent 6,572,697, U.S. Patent 6,676,745, U.S. Patent 6,506,248, or U.S. Patent 6,346,146, and hereby agrees that any patent so granted on the above-referenced application shall be enforceable only for and during such period that legal title to said patent shall be the same as legal title to U.S. Patent 6,572,697, U.S. Patent 6,676,745, U.S. Patent 6,506,248, or U.S. Patent 6,346,146. This agreement extends to any patent granted on the above-captioned application, and binds Petitioner's successors and assigns.

In making the above disclaimer, the Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of the first to expire of U.S. Patent 6,572,697, U.S. Patent 6,676,745, U.S. Patent 6,506,248, or U.S. Patent 6,346,146, as presently shortened by any terminal disclaimer, in the event that U.S. Patent 6,572,697, U.S. Patent 6,676,745, U.S. Patent 6,506,248, or U.S. Patent 6,346,146 later expires for failure to pay a

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maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$130 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP

Date: June 23, 2005



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